



# NEVADA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER

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October 2011

## FEATURED IN THIS ISSUE:

### **State Health Information Technology:**

Update on Establishment of Statewide Health Information Exchange System and Medicaid EHR Incentive Program – *this page*

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## COMING IN THE NEXT ISSUE:

2010 & 2011: *What Specialties Were Investigated and Who Filed Complaints*

## **HEALTH INFORMATION TECHNOLOGY (HIT) UPDATE: ARRA HITECH Act and Nevada**

Lynn G. O'Mara, MBA, State HIT Coordinator  
Justin Luna, Nevada Medicaid EHR Incentive Program

Over the past year, Nevada's Department of Health and Human Services (DHHS) has been making progress toward establishing the statewide health information exchange (HIE) system and the incentive program for the adoption of electronic health records (EHRs). As required by the state's Health Information Technology for Economic and Clinical Health (HITECH) HIE Cooperative Agreement, the Office of Health Information Technology (OHIT) developed and submitted the required State Health Information Technology Strategic and Operational Plan (State HIT Plan) to the Office of the National Coordinator for Health Information Technology (ONC) in late January 2011, and it was approved mid-May 2011. The State HIT Plan, available online at <http://dhhs.nv.gov/Hit.htm>, outlines how stimulus funds will be used to establish Nevada's statewide system for the electronic exchange of health information. Total electronic management of

health information and its secure exchange among and between health care consumers, providers and payers is expected to eventually improve health care quality, prevent medical errors, and reduce medical costs.

On June 13, 2011, Governor Brian Sandoval signed Senate Bill 43 (SB 43) into law, after passage by the Nevada Legislature. The bill was submitted by DHHS and provides the framework for meeting the requirements of the HITECH Act and implementing the State HIT Plan. SB 43 designates the DHHS Director as the State HIT Authority, with the ability to adopt regulations and certify the HIEs wishing to participate in the statewide system. The bill also includes provisions to safeguard protected health information contained in EHRs and to provide certain liability protections for health care providers in connection with EHRs and the statewide HIE system.

During the planning process, OHIT worked with the 20-member Nevada Health IT Blue Ribbon Task Force, which sunset on June 30, 2011. Meeting almost monthly between October 2009 and January 2011, and in accordance with Open Meeting Law, the Task Force provided feedback and recommendations which were incorporated into both the State HIT Plan and SB 43. Nevada's approved State HIT Plan includes coordination and collaboration with the state's activities regarding the establishment of the state health insurance exchange, which is funded under the Patient Protection and Affordable Care Act (ACA). *(Continued on page 2.)*

## MISSION STATEMENT

The Nevada State Board of Medical Examiners serves the state of Nevada by ensuring that only well-qualified, competent physicians, physician assistants, respiratory therapists and perfusionists receive licenses to practice in Nevada. The Board responds with expediency to complaints against our licensees by conducting fair, complete investigations that result in appropriate action. In all Board activities, the Board will place the interests of the public before the interests of the medical profession and encourage public input and involvement to help educate the public as we improve the quality of medical practice in Nevada.

The State HIT Plan supports the Stage 1 Meaningful Use Requirements for eligible providers who implement federally-certified EHR technology and wish to pursue the CMS reimbursement incentives authorized under HITECH. The Medicare and Medicaid EHR Incentive Programs will provide incentive payments to eligible professionals and eligible hospitals as they adopt, implement, upgrade or demonstrate meaningful use of certified EHR technology. The Centers for Medicare and Medicaid Services (CMS) is the federal agency establishing these incentive programs. The CMS website is the official federal source for facts about the incentive programs: <http://www.cms.gov/EHRIncentivePrograms/>. Providers should visit the site often to learn what is considered meaningful use and for information about who is eligible for the programs, how to register, EHR training and events, and more.

The Nevada Division of Health Care Financing and Policy (DHCFP) is working with CMS during planning efforts for the development of the Nevada Medicaid EHR Incentive Program. Details have emerged through the planning process about the complexities involved with the program, resulting in the need to procure an electronic software solution to help manage the program. Primarily due to Nevada procurement law and regulations governing the contracting for the solution, the launch date for the program is anticipated to be summer of 2012. Payments to eligible providers would be expected to start a couple of months after the program launch. DHCFP understands the importance of getting these incentives out in a timely manner and is doing all they can to get the program ready. More information will be made available on the DHCFP website as decisions are finalized: <https://dhcfp.nv.gov/EHRIncentives.htm>.

HITECH includes funding, through the HIT Regional Extension Center (REC) program, to provide free hands-on technical assistance for physicians adopting certified EHRs and using HIE. *HealthInsight* is the designated REC for Nevada and Utah, and will assist over 2,000 providers with adopting and effectively using EHRs. A private, non-profit organization incorporated in Nevada and Utah, *HealthInsight* is vendor neutral. Available REC services include workflow assessment, process improvement, certified EHR vendor selection, system implementation, and assistance meeting all meaningful use requirements. More information about the REC program is available at: <http://www.healthinsight.org/Internal/REC.html>.

If you have questions, please contact Lynn O'Mara, 775.684.7593 or [lgomara@dhhs.nv.gov](mailto:lgomara@dhhs.nv.gov).

## **PERFUSIONIST ADVISORY COMMITTEE FORMED**

A Perfusionist Advisory Committee to the Board was recently formed, and the following licensees were appointed by the Board as inaugural members of the Committee:

- Richard G. Berryessa, BS, CCP, LP – Las Vegas, Nevada
- Stephen N. McDowell, RRT, CCP, LP – Carson City, Nevada
- Robert M. Twells, RRT, CCP, LP – Henderson, Nevada

The Committee is charged with advising the Board regarding matters pertaining to perfusionists and may take up any topic it feels would support perfusionists in their duties.

# CHANGES IN THE LAW THAT WILL AFFECT YOUR PRACTICE

The following statutory changes are now in effect except as otherwise noted. Please familiarize yourself with these changes as they will affect your practice and/or license. These changes have not yet been codified, but the language for each bill can be found on the Nevada Legislature's website at <http://leg.state.nv.us/Session/76th2011/Reports/>. The appropriate bill numbers are noted by each change, as well as the statute that the change affects.

## Medical Records

Medical records (if located in state) must be available for inspection **within five (5) working days** after a record request is made. Failure to make the requested records available in the requested time is a violation of NRS 630.3062(4) and may result in disciplinary action being initiated against a licensee. Please note that for out-of-state records, NRS 629.061 requires that they be made available within ten (10) working days of the request. (SB 168/NRS 629.061)

## In-Office Posting Regarding Prescribed Drugs

Practitioners must post in each room used for the examination of a patient a sign that is not less than 8.5 inches wide by 11 inches high and which contains, in at least 12-point boldface type, the following:

### NOTICE TO PATIENTS

**You have the right to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of your prescribed drug.**

**You have the right to ask the person writing your prescription to instruct the pharmacy to print this information on the label attached to the container of your prescribed drug.**

**Having the purpose or symptom printed on the label attached to the container of your drug may help you to properly use and track your prescribed drugs.**

(SB 329/NRS 639.2352(2))

## Sentinel Event Reporting

A holder of a license to practice medicine must report any sentinel events arising from any surgery performed in a licensee's office or in any other facility which is not a medical facility as defined by NRS 449.0151, **within**

**fourteen (14) days after the occurrence of the sentinel event.** A form is available on the NSBME website, at [www.medboard.nv.gov](http://www.medboard.nv.gov), on which to make such reports. Also, licensees will no longer be required to report the number and type of in-office surgeries performed requiring conscious sedation, deep sedation or general anesthesia on an annual basis; rather, this reporting will be made at the time of license renewal. (SB 168/NRS 630.30665)

## Procuring or Administering a Non-FDA Approved Controlled Substance or Dangerous Drug

Licensees are now subject to discipline against their license should they procure or administer a dangerous drug (as defined in NRS chapter 454) or a controlled substance that is not approved by the U.S. Food and Drug Administration.

Exceptions are allowed if the dangerous drug or controlled substance: a) was procured through a retail pharmacy licensed pursuant to NRS chapter 639; b) was procured through a Canadian pharmacy licensed pursuant to NRS chapter 639 and which has been recommended by the State Board of Pharmacy pursuant to NRS 639.2328; or c) is medical marijuana being used for medical purposes in accordance with NRS chapter 453A.

(AB 537/NRS 630.306(6))

## Attestation Regarding Safe Injection Practices

All physicians, physician assistants and perfusionists must attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices when applying for or renewing a license with the NSBME. The attestation is part of all new license applications for physicians, physician assistants and perfusionists and will be available for current licensees at the time of license renewal. (SB 419/NRS 630)

Although not required, licensees are encouraged to take advantage of free continuing medical education (CME) programs on the topic of safe injection practices. Two free online CME courses are available, one through Medscape entitled "Unsafe Injection Practices: Outbreaks, Incidents, and Root Causes," available at [www.medscape.org](http://www.medscape.org), and another through the University of Nevada School of Medicine, available at [www.nevadacme.com](http://www.nevadacme.com).

(Continued on page 4.)



### Medical Assistants

A medical assistant will now be defined as a person who performs clinical tasks under the supervision of a physician or physician assistant and does not hold a license, certificate or registration issued by a professional licensing or regulatory body in this state to perform such clinical tasks, and does not include those performing only administrative, clerical, executive or other non-clinical tasks. (SB 294/NRS 630 - effective 1/1/12)

Failure to adequately supervise a medical assistant pursuant to the regulations of the Board is grounds for initiation of discipline against a physician or physician assistant. (SB 294/NRS 630.306(17) - effective 1/1/12)

The law now clearly states that a medical assistant may possess and administer a drug or medication referred to in NRS 454.181 to 454.213 in accordance with applicable regulations of the Board. (SB 294/NRS 454.213(20) - effective 1/1/12)

### Immunity for Transmission of Information Related to Controlled Substances

Practitioners who are authorized to write prescriptions for controlled substances are provided immunity from civil and criminal liability when acting with reasonable care in transmitting reports or other required information to the Board of Pharmacy or the Department of Public Safety for use by the Prescription Controlled Substance Abuse Prevention Taskforce, commonly referred to as the Prescription Monitoring Program. (SB 114/NRS 453.1545(8))

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### **WHOM TO CALL IF YOU HAVE QUESTIONS**

Management:	Douglas C. Cooper, CMBI Executive Director
	Edward O. Cousineau, J.D. Deputy Executive Director
Administration:	Laurie L. Munson, Chief
Investigations:	Pamela J. Castagnola, CMBI, Chief
Legal:	Lyn E. Beggs, J.D., General Counsel
Licensing:	Lynnette L. Daniels, Chief

### BOARD MEMBERS

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Vacancy (physician member)  
Vacancy (physician member)

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Douglas C. Cooper, CMBI, *Executive Director*

## 2012 BME MEETING & HOLIDAY SCHEDULE

**January 2** – New Year's Day holiday (*observed*)  
**January 16** – Martin Luther King, Jr. Day holiday  
**February 20** – Presidents' Day holiday  
**March 9-10** – Board meeting  
**May 28** – Memorial Day holiday  
**June 8-9** – Board meeting  
**July 4** – Independence Day holiday  
**September 3** – Labor Day holiday  
**September 7-8** – Board meeting  
**October 26** – Nevada Day holiday  
**November 12** – Veterans' Day holiday (*observed*)  
**November 22-23** – Thanksgiving/family day holiday  
**November 30-December 1** – Board meeting  
**December 25** – Christmas holiday

Unless otherwise noted, Board meetings are held at the Reno office of the Nevada State Board of Medical Examiners and videoconferenced to the conference room at the offices of the Nevada State Board of Medical Examiners/Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Building A, Suite 1, in Las Vegas.

Hours of operation of the Board are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

# LICENSING & INVESTIGATIONS

## INVESTIGATIVE STAFF MEMBERS COMPLETE ADVANCED TRAINING

Several members of the Board's investigative staff completed professional training programs in September 2011. Investigator Monica Gustafson completed the Certified Medical Board Investigator (CMBI) training, held in Columbus, Ohio. With the completion of the three-day advanced academy, Investigator Gustafson has met the prerequisites for application for national certification as a medical board investigator.

Investigator Steven Ray, Las Vegas Office, and Compliance Officer Johnna LaRue completed the three-day specialized and advanced training portion of the Council on Licensure, Enforcement and Regulation's (CLEAR) National Certified Investigator/Inspector Program, in Pittsburg, PA. Both Investigator Ray and Compliance Officer LaRue successfully completed the required CLEAR basic program in September 2010.

## NOTIFICATION OF ADDRESS CHANGE, PRACTICE CLOSURE AND LOCATION OF RECORDS

Pursuant to NRS 630.254, all licensees of the Board are required to "maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent." A licensee must notify the Board in writing of a change of permanent mailing address within 30 days after the change. Failure to do so may result in the imposition of a fine or initiation of disciplinary proceedings against the licensee.

Please keep in mind that the address you provide will be viewable by the public on the Board's website.

Additionally, if you close your practice in Nevada, you are required to notify the Board in writing within 14 days after the closure, and for a period of 5 years thereafter, keep the Board apprised of the location of the medical records of your patients.

## LICENSING STATS 2011 – YEAR TO DATE

For the year to date, the Board has granted the following licenses:

- 394 physician licenses
- 94 limited licenses for residency training
- 48 physician assistant licenses
- 128 practitioner of respiratory care licenses
- 2 perfusionist licenses

## INVESTIGATIVE COMMITTEE STATS 2011 – YEAR TO DATE

### Investigative Committee A, Year to Date

Total Cases Considered	364
Total Cases Authorized for Filing of Formal Complaint (to be Published)	31
Total Cases Authorized for Peer Review	6
Total Cases Requiring an Appearance	35
Total Cases Authorized for a Letter of Concern	68
Total Cases Authorized for Further Follow-up or Investigation	7
Total Cases Reviewed for Compliance	0
Total Cases Authorized for Closure	217

### Investigative Committee B, Year to Date

Total Cases Considered	286
Total Cases Authorized for Filing of Formal Complaint (to be Published)	14
Total Cases Authorized for Peer Review	9
Total Cases Requiring an Appearance	20
Total Cases Authorized for a Letter of Concern	56
Total Cases Authorized for Further Follow-up or Investigation	6
Total Cases Reviewed for Compliance	0
Total Cases Authorized for Closure	181

# LICENSEES NEED TO CONCENTRATE THEIR CME/CEU EFFORTS

It is not too early to start accumulating continuing medical education (CME)/continuing education units (CEU) for the 2013 renewal period. Review this statutory language to help you concentrate your efforts.

CMEs must be AMA Category 1, classified by the AAPA as Category 1 (for PAs), or NSBME Board approved, and must break down as follows:

2 Hours completed in medical ethics

20 Hours in scope of practice or specialty

18 Hours any AMA category 1

Note: CMEs are not required for INACTIVE LICENSEES.

## **Medical Doctor/Special Purpose Medical Doctor/ Physician Assistant**

NAC 630.153 & NAC 630.350

- (1) 40 Hours if licensed during the first 6 months of the biennial period of registration (July 1, 2011 through December 31, 2011 of year one or anytime prior to December 31, 2011)  
(2 Ethics, 20 in scope of practice, 18 anything else AMA Category 1)
- (2) 30 Hours if licensed during the second six months of the biennial period of registration (January 1, 2012 through June 30, 2012 of year one)  
(2 Ethics, 15 scope of practice, 13 anything else AMA Category 1)
- (3) 20 Hours if licensed during the third six months of the biennial period of registration (July 1, 2012 through December 31, 2012 of year two)  
(2 Ethics, 10 scope of practice, 8 anything else AMA Category 1)
- (4) 10 Hours if licensed during the fourth six months of the biennial period of registration (January 1, 2013 through June 30, 2013 of year two)  
(2 Ethics, 5 scope of practice, 3 anything else AMA Category 1)

## **Practitioners of Respiratory Care** NAC 630.530

At the time of license renewal, each licensed practitioner must submit proof of satisfactory completion of the following number of contact hours of continuing professional education, sixty percent (60%) of which must be from an approved educational source directly related to the practice of respiratory care, and the remainder of which must be from an educational source approved by the Board, and include two (2) contact hours in ethics.

1. *If licensed prior to or during the first six months of the biennial period of registration (July 1, 2011 – December 31, 2011) – twenty (20) hours, twelve (12) of which must be directly related to respiratory care and two (2) of which must be in the subject matter of ethics.*
2. *If licensed during the second six months of the biennial period of registration (January 1, 2012 – June 30, 2012) – fifteen (15) hours, nine (9) of which must be directly related to respiratory care and two (2) of which must be in the subject matter of ethics.*
3. *If licensed during the third six months of the biennial period of registration (July 1, 2012 – December 31, 2012) – ten (10) hours, six (6) of which must be directly related to respiratory care and two (2) of which must be in the subject matter of ethics.*
4. *If licensed in the fourth six months of the biennial period of registration (January 1, 2013 – June 30, 2013) – five (5) hours, three (3) of which must be directly related to respiratory care and two (2) of which must be in the subject matter of ethics.*

(Continued on page 7.)



## **Perfusionists**

Requirements for Perfusionist CEUs are contained in yet-to-be-codified regulation R079-10. To read the full regulation, please see: <http://www.leg.state.nv.us/Register/2010Register/R079-10A.pdf>.

1. The license of a perfusionist may be renewed biennially. Except as otherwise provided in section 2, each person licensed as a perfusionist shall, at the time of renewal of his or her license, provide satisfactory proof to the Board that he or she has completed during the biennial licensing period at least **30 hours** of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion. The continuing education units must be completed in the various categories of continuing education recognized by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 15 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education which may include, without limitation, such activities as:

- (1) Attendance at an international, national, regional or state meeting relating to perfusion.
- (2) Publication of a book, chapter or article relating to perfusion.
- (3) Presenting or addressing at an international, national, regional or state meeting relating to perfusion.
- (4) Completion of a self-directed continuing education course relating to perfusion.

(b) Not more than 15 hours may be completed in Category II or Category III approved continuing education, which may include, without limitation, such activities as:

- (1) Attendance at an international, national, regional or state meeting relating to perfusion that has not been approved for Category I credit.
- (2) Attendance at a manufacturer-specific or company-sponsored educational activity that was not equally accessible to all perfusionists.
- (3) Attendance at a medically-related international, national, regional, state or local meeting that has not been approved for Category I credit.
- (4) Attendance at advanced cardiac life-support training that has not been approved for Category I credit.
- (5) Individual education and other self-study activities that have not been approved for Category I credit.

2. If the perfusionist was licensed on or after July 1, 2012, during the second year of the biennial licensing period, he or she must attain and prove upon his or her renewal application the completion during the biennial licensing period of at least **16 hours** of continuing education units that have been approved for credit by the American Board of Cardiovascular Perfusion, as follows:

(a) At least 8 hours, not less than 2 hours of which must be related to medical ethics, must be completed in Category I approved continuing education activities, as defined in section 1; and

(b) Not more than 8 hours must be completed in Category II and Category III approved continuing education activities, as defined in section 1.

# DISCIPLINARY ACTION REPORT

## **ARCOTTA, Karen, M.D. (4896)**

### **Las Vegas, Nevada**

Summary: Findings of a psychiatric evaluation indicated Dr. Arcotta was unable to safely practice medicine.

Statutory Authority: NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

Action Taken: On September 22, 2011, the Investigative Committee summarily suspended Dr. Arcotta's license until further order of the Investigative Committee or the Board of Medical Examiners. A formal Complaint is pending.

## **BOREN, William, M.D. (6453)**

### **Las Vegas, Nevada**

Summary: Alleged failure to report to the Board an investigation and charges for Medicare billing fraud.

Charges: One violation of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient]; one violation of NRS 630.3062(a) [engaging in conduct which is intended to deceive]; one violation of NRS 630.305(1)(d) [charging for visits to the physician's office which did not occur or for services which were not rendered].

Disposition: On September 9, 2011, the Board found Dr. Boren guilty of a violation of NRS 630.301(9) and a violation of NRS 630.3062(1), as set forth in Counts II and III of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine per count, for a total fine of \$10,000; (3) completion of 12 hours in-person CME regarding medical

ethics and ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution. The Board found Dr. Boren not guilty of Counts I and IV of the Complaint; Count V had been dismissed at the conclusion of the hearing in the matter.

## **BUDDE, Douglas, Jr., M.D. (10543)**

### **Henderson, Nevada**

Summary: Alleged prescribing of drugs to a patient with whom he did not have a bona fide therapeutic relationship and failure to maintain adequate medical records relating to his treatment of the patient.

Charges: One violation of NRS 630.3062(c) [engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy]; one violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

Disposition: On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Budde violated NRS 630.3062(c) and NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) completion of 10 hours in-person CME regarding medical ethics and medical records; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

## **CESARETTI, Luke, M.D. (6238)**

### **Las Vegas, Nevada**

Summary: Alleged failure to report to the Board investigation and charges for Medicare billing fraud.

Charges: One violation of NRS 630.304(1) [obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one

violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient]; one violation of NRS 630.3062(a) [engaging in conduct which is intended to deceive]; one violation of NRS 630.305(1)(d) [charging for visits to the physician's office which did not occur or for services which were not rendered].

Disposition: On September 9, 2011, the Board found Dr. Cesaretti guilty of a violation of NRS 630.301(9) and a violation of NRS 630.3062(1), as set forth in Counts II and III of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine per count, for a total fine of \$10,000; (3) completion of 12 hours in-person CME regarding medical ethics and ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution. The Board dismissed Counts I and IV of the Complaint; Count V had been dismissed at the conclusion of the hearing in the matter.

## **CLAYSON, Darby-Annette, M.D. (11502)**

### **Las Vegas, Nevada**

Summary: Alleged malpractice related to Dr. Clayson's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Clayson violated NRS 630.301(4) and imposed the following discipline against her: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

## **ESPINOSA, Bryan, P.A.-C (453)**

### **Henderson, Nevada**

Summary: Mr. Espinosa voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NAC 630.240 [voluntary surrender of license].



**Disposition:** On September 9, 2011, the Board accepted Mr. Espinosa's voluntary surrender of his license to practice medicine in Nevada, which was deemed to be while under investigation and is irrevocable.

**FULLER, Clayton, M.D. (11085)**

**Las Vegas, Nevada**

**Summary:** Alleged malpractice related to Dr. Fuller's treatment of a patient.

**Charges:** One violation of NRS 630.301(4) [malpractice].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Fuller violated NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient] and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

**LEE, Anthony, M.D. (10826)**

**Las Vegas, Nevada**

**Summary:** Alleged failure to maintain adequate medical records relating to Dr. Lee's treatment of a patient.

**Charges:** One violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Lee violated NRS 630.3062(1) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

**ROBERTS, Gary, C.R.T. (RC36)**

**Henderson, Nevada**

**Summary:** Alleged illegal use of opiates and was found to be under the influence of opiates while on duty as a respiratory therapist.

**Statutory Authority:** NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the practitioner of respiratory care].

**Action Taken:** On August 22, 2011, the Investigative Committee summarily suspended Mr. Roberts' license until further order of the Investigative Committee or the Board of Medical Examiners. A formal Complaint is pending.

**SACCO, Damon, M.D. (13323)**

**Novato, California**

**Summary:** Disciplinary action taken against Dr. Sacco's medical license in Colorado.

**Charges:** One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Sacco violated NRS 630.301(3) and imposed the following discipline against him: reimbursement of the Board's fees and costs of investigation and prosecution.

**SHARDA, Navneet, M.D. (8200)**

**Las Vegas, Nevada**

**Summary:** Alleged malpractice related to Dr. Sharda's treatment of a patient and failure to maintain adequate medical records relating to his treatment of the patient.

**Charges:** Two violations of NRS 630.301(4) [malpractice]; one violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Sharda violated NRS 630.301(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) 10 hours CME, 2 hours regarding record keeping and 8 hours regarding his area of specialty; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

**WESTFIELD, Kenneth, M.D. (3953)**

**Las Vegas, Nevada**

**Summary:** Alleged malpractice related to Dr. Westfield's treatment of a patient and failure to maintain

adequate medical records relating to his treatment of the patient.

**Charges:** One violation of NRS 630.301(4) [malpractice]; one violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.3062(1) [failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Westfield violated NRS 630.301(4) and NRS 630.301(9), as set forth in Counts I and II of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine per count, for a total fine of \$10,000; (3) completion of 10 hours in-person CME, 6 hours regarding IOL transplants and 4 hours in any combination of medical ethics and/or record keeping; (4) reimbursement of the Board's fees and costs of investigation and prosecution. The Board dismissed Count III of the Complaint.

**WILLIAMS, Daniel, M.D. (11613)**

**Hawthorne, Nevada**

**Summary:** Disciplinary action taken against Dr. Williams' medical license in California.

**Charges:** One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Williams violated NRS 630.301(3) and imposed the following discipline against him: (1) public reprimand; (2) revocation of license, with the revocation stayed, and he be placed on probation until April 22, 2014, with an obligation to remain compliant with all probationary terms set forth by the Medical Board of California and to keep this Board apprised of his current mailing and practice addresses; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

**YEE, Larry, M.D. (4655)**  
**Las Vegas, Nevada**

**Summary:** Alleged erratic and inappropriate behavior, questionable prescribing practices, obtaining and attempting to obtain prescription medications, including controlled substances, for himself, through staff and patients, and failure to comply with orders of the Board's Investigative Committee to address concerns that could affect his ability to provide appropriate and safe patient care.

**Statutory Authority:** NRS 630.326(1) [risk of imminent harm to the health, safety or welfare of the public or any patient served by the physician].

**Action Taken:** On September 2, 2011, the Investigative Committee summarily suspended Dr. Yee's license until further order of the Investigative Committee or the Board of Medical Examiners. A formal Complaint is pending.

**YEE, Larry, M.D. (4655)**  
**Las Vegas, Nevada**

**Summary:** Alleged failure to comply with an order of the Board's Investigative Committee to appear before the Committee.

**Charges:** One violation of NRS 630.3065(2)(a) [willful failure to comply with an order of a committee designated by the Board to investigate a complaint against a physician].

**Disposition:** On September 9, 2011, the Board accepted a settlement agreement by which it found Dr. Yee violated NRS 630.3065(2)(a) and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) completion of 6 hours in-person CME regarding medical ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

★ ★ ★

## PUBLIC REPRIMANDS ORDERED BY THE BOARD

### **WILLIAM BOREN, M.D.**

September 20, 2011

William Boren, M.D.  
3025 S. Rainbow Blvd.  
Las Vegas, NV 89146

Dr. Boren:

On September 9, 2011, the Nevada State Board of Medical Examiners found you committed two (2) violations of the Medical Practice Act of the state of Nevada, more specifically:

That you committed a violation of NRS 630.301(9) by engaging in conduct that brings the medical profession into disrepute, and committed a violation of NRS 630.3062(1) by failing to maintain timely, legible, accurate and complete medical records.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay a fine of \$10,000.00; that you shall pay the costs of investigation and prosecution of this matter in the amount of \$5,887.16 within 120 days of the date of the order; and that you shall personally attend twelve (12) hours of Continuing Medical Education in medical ethics and/or ethics and provide proof of attendance to the Nevada State Board of Medical Examiners.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

### **DOUGLAS BUDDE, JR, M.D.**

September 19, 2011

Douglas Budde, Jr., M.D.  
975 Seven Hills Dr., Apt 926  
Henderson, NV 89052

Dr. Budde:

On September 9, 2011, the Nevada State Board of Medical Examiners found that evidence existed that you committed two (2) violations of the Medical Practice Act of the state of Nevada, more specifically:

A violation of NRS 630.306(2)(c) by prescribing a drug to a patient without a bona fide therapeutic relationship; and a violation of NRS 630.3062(1) by failing to maintain timely, legible, accurate and complete medical records.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay the costs of investigation and prosecution of this matter in the amount of \$1,620.01 within 30 days of the order; and that you shall participate in ten (10) hours of Continuing Medical Education in medical ethics and medical records within one (1) year of the date of the order and provide proof of attendance to the Nevada State Board of Medical Examiners.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**LUKE CESARETTI, M.D.**

September 20, 2011

Luke St. John Cesaretti, M.D.  
3025 S. Rainbow Blvd.  
Las Vegas, NV 89146

Dr. Cesaretti:

On September 9, 2011, the Nevada State Board of Medical Examiners found you committed two (2) violations of the Medical Practice Act of the state of Nevada, more specifically:

That you committed a violation of NRS 630.301(9) by engaging in conduct that brings the medical profession into disrepute, and committed a violation of NRS 630.3062(1) by failing to maintain timely, legible, accurate and complete medical records.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay a fine of \$10,000.00; that you shall pay the costs of investigation and prosecution of this matter in the amount of \$5,225.04 within 120 days of the date of the order; and that you shall personally attend twelve (12) hours of Continuing Medical Education in medical ethics and/or ethics and provide proof of attendance to the Nevada State Board of Medical Examiners.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**DARBY-ANNETTE CLAYSON, M.D.**

September 16, 2011

Darby-Annette Clayson, M.D.  
3017 Carbondale Street  
Las Vegas, NV 89135

Dr. Clayson:

On September 9, 2011, the Nevada State Board of Medical Examiners (Board) accepted a Settlement, Waiver and Consent Agreement regarding Case No. 11-30595-1 and pursuant to the terms of the Agreement entered an Order finding that you committed a violation of the Medical Practice Act, Nevada Revised Statutes (NRS) Chapter 630.

The Board specifically found that you violated NRS §630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040, when you failed to personally evaluate a patient after initially being contacted by nursing staff and advised that the patient was complaining of chest discomfort which may have resulted in a higher suspicion of a cardiac event transpiring and when you failed to further investigate the patient's chest discomfort.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Board entered an **ORDER** as follows: that you shall be issued a public reprimand and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this matter.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**CLAYTON FULLER, M.D.**

September 13, 2011

Clayton Fuller, M.D.  
c/o Adam Schneider, Esq.  
John H. Cotton & Associates  
2300 West Sahara, Suite 420  
Las Vegas, NV 89102

Dr. Fuller:

On September 9, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal complaint filed against you regarding case number 11-29479-1.

In accordance with its acceptance, the Board has entered an Order which indicates that your medical record keeping related to the patient at issue in the underlying matter was inaccurate and incomplete, and therefore in violation of Nevada Revised Statute 630.3062(1). The Order also calls for you to be publicly reprimanded and to pay the associated costs of investigation and prosecution of this matter, that amount being \$2,226.32.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**ANTHONY LEE, M.D.**

September 16, 2011

Anthony Lee, M.D.  
7326 W. Cheyenne Ave.  
Las Vegas, NV 89129

Dr. Lee:

On September 9, 2011, the Nevada State Board of Medical Examiners (Board) accepted a Settlement, Waiver and Consent Agreement regarding Case No. 11-18873-1, and pursuant to the terms of the Agreement entered an Order finding that you committed a violation of the



Medical Practice Act, Nevada Revised Statutes (NRS) Chapter 630.

The Board specifically found that you violated NRS §630.3062(1), failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient, when you failed to document the incident involving a patient coming off of the operating table in the anesthesia record.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Board entered an **ORDER** as follows: that you shall be issued a public reprimand and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this matter.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**NAVNEET SHARDA, M.D.**

September 15, 2011

Navneet Sharda, M.D.  
3509 E. Harmon Ave.  
Las Vegas NV 89121

Dr. Sharda:

On September 9, 2011, the Nevada State Board of Medical Examiners (Board) accepted a Settlement, Waiver and Consent Agreement regarding Case No. 10-11856-1 and pursuant to the terms of the Agreement entered an Order finding that you committed a violation of the Medical Practice Act, Nevada Revised Statutes (NRS) Chapter 630.

The Board specifically found that you violated NRS §630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040, when you proceeded with radiation therapy without any further work-up of the patient's

condition, with the exception of a PET scan, no apparent consideration of the type of colon cancer she had, and no alternative treatments considered. Further, you failed to discuss with the patient the risks, benefits and alternatives associated with proceeding with five weeks of radiation therapy.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Board entered an **ORDER** as follows: that you shall be issued a public reprimand; that you shall pay a fine of \$2000, that you shall complete ten hours of continuing medical education; and that you shall reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this matter.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**KENNETH WESTFIELD, M.D.**

September 19, 2011

Kenneth Westfield, M.D.  
2575 Lindell Rd.  
Las Vegas, NV 89102

Dr. Westfield:

On September 9, 2011, the Nevada State Board of Medical Examiners found that evidence existed that you committed two (2) violations of the Medical Practice Act of the state of Nevada, more specifically:

A violation of NRS 630.301(4) by failing to document intraoperative complications and communicate the fact of intraoperative complications; and a violation of NRS 630.301(9) by the same listed omissions.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay the costs of investigation and prosecution of this matter in the amount of \$1,394.93 within 30 days of the order; that you shall pay a fine of \$10,000.00; and that you shall participate in ten (10) hours of Continuing Medical Education. Six (6) hours shall be in IOL transplants and four (4) hours shall be in any combination of medical ethics and/or medical records within one (1) year of the date of the order and provide proof of attendance to the Nevada State Board of Medical Examiners.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**DANIEL WILLIAMS, M.D.**

September 13, 2011

Daniel A. Williams, M.D.  
Mt. Grant General Hospital  
First & A Streets  
Hawthorne, NV 89415

Dr. Williams:

On September 9, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal complaint filed against you regarding case number 11-30754-1.

In accordance with its acceptance, the Board has entered an Order which indicates that the suspended revocation of your license to practice medicine in the state of California was a violation of Nevada Revised Statute 630.301(3). The Order also calls for your license to be revoked in the state of Nevada, with that revocation stayed based upon your compliance with various probationary terms which mirror the probationary terms adopted by the state of California

in its underlying action, and which are to be in place until April 22, 2014. And finally, the Order calls for you to be publicly reprimanded and to pay the associated costs of investigation and prosecution of this matter, that amount being \$780.91.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**LARRY YEE, M.D.**

September 19, 2011

Larry Yee, M.D.  
7660 W. Cheyenne Ave., Ste. 110  
Las Vegas, NV 89129

Dear Dr. Yee:

On September 9, 2011, the Nevada State Board of Medical Examiners found you committed one (1) violation of the Medical Practice Act of the state of Nevada, more specifically:

That you committed a violation of NRS §630.3065(2)(a) by failing to comply with an Order of a committee designated by the Board to investigate a complaint against you.

As a result of its finding that you violated the Medical Practice Act of the state of Nevada, the Nevada State Board of Medical Examiners entered its **ORDER** as follows:

That you shall be issued a public reprimand; that you shall pay a fine of \$1,000.00; that you shall pay the costs of investigation and prosecution of this matter in the amount of \$1,858.51 within 30 days of the order; and that you shall personally attend six (6) hours of Continuing Medical Education in medical ethics within one (1) year of the date of the order and provide proof of attendance to the Nevada State Board of Medical Examiners.

Accordingly, it is my unpleasant duty as President of the Nevada State Board of Medical Examiners to formally and publicly reprimand you for your conduct which has brought personal and professional disrespect upon you, and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President  
Nevada State Board of Medical Examiners

**NEVADA STATE BOARD OF MEDICAL EXAMINERS**  
1105 Terminal Way, Ste. 301  
Reno, NV 89502-2144

**ADDRESS SERVICE REQUESTED**